

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR J.M. BATTLE,  
  
Petitioner,  
  
v.  
  
THE PEOPLE OF THE STATE OF  
CALIFORNIA,  
  
Respondent.

Case No. 2:20-cv-01851-JDP (HC)

ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE AND FAILURE  
TO COMPLY WITH COURT ORDERS

ECF No. 5

RESPONSE DUE WITHIN TWENTY-ONE  
DAYS

On September 21, 2020, petitioner was ordered to file, within thirty days, a signed petition for writ of habeas corpus and either pay the \$5 filing fee or submit an application for leave to proceed *in forma pauperis*. ECF No. 4. Petitioner timely filed a petition for writ of habeas corpus. However, he neither paid the required filing fee nor submitted an application to proceed *in forma pauperis*.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for petitioner's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court

1 has a duty to administer justice expeditiously and avoid needless burden for the parties. *See*  
2 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

3         Petitioner will be given a chance to explain why the court should not dismiss the case for  
4 his failure to either pay the filing fee or submit an application for leave to proceed *in forma*  
5 *pauperis*. Accordingly, petitioner is ordered to show cause within twenty-one days why this case  
6 should not be dismissed for failure to prosecute and failure to comply with court orders. Should  
7 petitioner wish to continue with this action, he shall, within twenty-one days, either pay the \$5  
8 filing fee or submit a complete application for leave to proceed *in forma pauperis*. The Clerk of  
9 Court is directed to send to petitioner the court's form application for leave to proceed *in forma*  
10 *pauperis*.

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12 IT IS SO ORDERED.

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14 Dated: January 19, 2021

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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE